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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re RANDOLPH H., a Person Coming
Under the Juvenile Court Law.

B172188
(Los Angeles County
Super. Ct. No. YJ24263)

THE PEOPLE,

Plaintiff and Respondent,

v.

RANDOLPH H.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.
Stephanie Davis, Temporary Judge. (Pursuant to Cal. Const., art. VI. § 21.) Modified
and affirmed as modified.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney
General, Pamela C. Hamanaka, Assistant Attorney General, Victoria B. Wilson and
Jaime L. Fuster, Deputy Attorneys General, for Plaintiff and Respondent.

The juvenile court found true the allegation that minor Randolph H. committed the offense of attempted first degree burglary in violation of Penal Code sections 459 and 664. The court placed minor with his mother on terms and conditions of probation.

Minor contends on appeal that the minute order should be amended to reflect the correct judgment of the juvenile court's oral pronouncement.

FACTS

We recite the evidence in the light most favorable to the judgment below. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.) Lillie Poole heard someone jiggling the doorknob on her apartment's front door and looked through the peephole. She saw two boys, and the one in front appeared to be "messing with" her door. After a short time, the boys left, and Poole went to her window. She saw the boys' faces as they went down the stairs, and she saw them walk toward the parking lot. Approximately 20 minutes later, Poole heard someone on her balcony. When she looked out, she saw someone trying to pry open the door. She opened the door and grabbed the would-be intruder by the shirt, asking him what he was doing on her balcony. The boy turned around and jumped from Poole's second-floor balcony onto the first floor. Poole saw the boy on her balcony run away with another boy who was waiting for him.

A short time later, Poole saw minor and another boy sitting on the stairs of an apartment complex across the street, and she called the police. The police took Poole to a field showup, and Poole identified minor as the boy waiting below her balcony and the boy who had stood directly in front of her door near the door knob. The boy detained with minor was not identified by Poole as minor's accomplice.

DISCUSSION

Minor contends there is a discrepancy between the oral pronouncement of judgment and one of the written probation conditions. He complains that the minute order form listing the probation conditions does not include a knowledge requirement in condition No. 15, the condition that forbids minor from associating "with anyone disapproved of by parents."

Minor asserts that the juvenile court's oral pronouncement contained the language he seeks. The juvenile court told minor, "[y]ou are also not to associate or hang out with anyone that your mother disapproves of. So if there is some friend that you have and your mother says she doesn't want you hanging out with that friend anymore, then that's the end of it. You have to end that friendship." Minor characterizes the discrepancy between the oral and written condition as clerical error, and contends the minute order must be amended to reflect the oral pronouncement, which is the correct judgment.

This court has previously held that the identical probation condition is unconstitutional absent a knowledge requirement. Although the requirement of knowledge on minor's part in relation to condition No. 15 is clear in the context of the juvenile court's oral admonition, in an abundance of caution we will modify the minute order to reflect the knowledge requirement.

DISPOSITION

The order appealed from is modified to provide that condition No. 15, the condition forbidding minor to associate with anyone disapproved of by his parents, is modified to read, "Do not associate with anyone you know to be disapproved of by your parents." The order is otherwise affirmed.

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_____, J.

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We concur:

_____, P. J.

BOREN

_____, J.

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